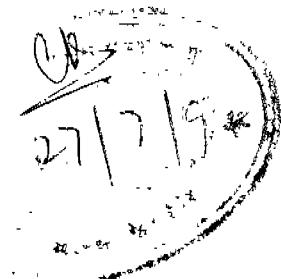




भारत का राजपत्र

The Gazette of India



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EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

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इस भाग में भिन्न पृष्ठ संख्या ही जाती है जिससे कि यह अपने संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 20th December, 1991: —

BILL No. 208 OF 1991

A Bill further to amend the Betwa River Board Act, 1976.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

| | |
|--|---|
| 1. This Act may be called the Betwa River Board (Amendment) Act, 1991. | Short title. |
| 2. In section 3 of the Betwa River Board Act, 1976 (hereinafter referred to as the principal Act), in clause (g), for the words "Rajghat Reservoir", the words "Rani Laxmibai Sagar" shall be substituted. | Amendment of section 3. |
| 3. In section 12 of the principal Act, in sub-section (2), in clause (b), for the words "Rajghat Reservoir", the words "Rani Laxmibai Sagar" shall be substituted. | Amendment of Section 12. |
| 4. Any reference to Rajghat Reservoir in any other law or in any rule, regulation, instrument or other document or in any proceeding shall be construed as a reference to Rani Laxmibai Sagar. | Reference to Rajghat Reservoir to be construed as reference to Rani Laxmibai Sagar. |

STATEMENT OF OBJECTS AND REASONS

The Betwa River Board Act, 1976 was enacted for the establishment of a Board for the creation of a reservoir at Rajghat by construction of a dam on the Betwa river and for the regulation of such reservoir. The reservoir thus constructed was named as Rajghat Reservoir. However, there is a tradition of naming the reservoirs and projects after great national leaders and having regard to the fact that Rajghat Dam Project is located near Jhansi, it is felt that it would be appropriate to rename the said reservoir after the great nationalist warrior Maharani Laxmibai. The proposal has the concurrence of the State Governments of Uttar Pradesh and Madhya Pradesh. To rename the Rajghat Reservoir as "Rani Laxmibai Sagar", it is necessary to amend the Betwa River Board Act, 1976.

2. The Bill seeks to achieve the above object.

NEW DELHI;

VIDYACHARAN SHUKLA.

The 5th December, 1991.

BILL NO. 209 OF 1991

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Seventy-fifth Amendment) Act, 1991. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. (1) In article 332 of the Constitution, after clause (3A), the following clause shall be inserted, namely:— Amendment of article 332.

“(3B) Notwithstanding anything contained in clause (3), until the re-adjustment, under article 170, takes effect on the basis of the first census after the year 2000, of the number of seats in the Legislative Assembly of the State of Tripura, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly shall be, such number of seats as bears to the total number of seats, a proportion not less than the number, as on the date of coming into force of the Constitution (Seventy-fifth Amendment) Act, 1991, of members belonging to the Scheduled Tribes in the Legislative Assembly in existence on the said date bears to the total number of seats in that Assembly.”.

(2) The amendment made to article 332 of the Constitution by subsection (1) shall not affect any representation in the Legislative Assembly of the State of Tripura until the dissolution of the Legislative Assembly existing at the commencement of this Act.

STATEMENT OF OBJECTS AND REASONS

For restoring peace and harmony in the areas of the State of Tripura where disturbed conditions prevailed, a Memorandum of Settlement was signed by the Government of India with Tripura National Volunteers on 12-8-1988. The said Memorandum provides for a greater share of tribals in the governance of the State. The said Memorandum envisages amendment of the Constitution to provide that notwithstanding anything contained in the Constitution, the number of seats in the Legislative Assembly of the State of Tripura reserved for Scheduled Tribes shall be, such number of seats as bears to the total number of seats, a proportion not less than the number, as on the date of coming into force of the Constitutional amendment, of members belonging to the Scheduled Tribes in the existing Assembly bears to the total number of seats in the existing Assembly. It also provides that the amendments shall not affect any representation in the existing Assembly of the State of Tripura until its dissolution.

2. In order to implement the said Memorandum, action is to be taken to determine the seats which are to be reserved for Scheduled Tribes in the State of Tripura. Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assembly of any State is governed by the provisions of article 332 of the Constitution. Having regard to the special circumstances obtaining in the State of Tripura, it is proposed to further amend article 332 of the Constitution for making a temporary provision for the determination of the number of seats reserved for Scheduled Tribes until the re-adjustment of seats on the basis of the first census after the year 2000 under article 170 of the Constitution for the State of Tripura.

3. The Bill seeks to achieve the aforesaid objects.

NEW DELHI;

The 11th December, 1991.

S. B. CHAVAN.

BILL No. 211 OF 1991

A Bill further to amend the Supreme Court Judges (Conditions of Service) Act, 1958.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

| | |
|---|----------------------------------|
| 1. This Act may be called the Supreme Court Judges (Conditions of Service) Amendment Act, 1991. | Short title. |
| 2. In section 23 of the Supreme Court Judges (Conditions of Service) Act, 1958 (hereinafter referred to as the principal Act),— | Amend- ment of section 23. |
| (a) after sub-section (1), the following sub-section shall be inserted, namely:— | |
| “(1A) Where a Judge does not avail himself of the use of an official residence, he may be paid every month an allowance of three thousand rupees.”; | |

(b) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) Sub-sections (1), (2) and (3) shall be deemed to have come into force on the 26th day of January, 1950 and sub-section (1A) shall be deemed to have come into force on the 9th day of May, 1986 and any rule made under any of the said sub-sections may be made so as to be retrospective to any date not earlier than the commencement of the respective sub-section.”.

Amend-
ment of
section
23D.

3. In section 23D of the principal Act, in clause (a), after the word and figures “section 23”, the words, brackets, figure and letter “or the allowance paid to him under sub-section (1A) of that section” shall be inserted and shall be deemed to have been inserted with effect from the 9th day of May, 1986.

STATEMENT OF OBJECTS AND REASONS

Section 23(1) of the Supreme Court Judges (Conditions of Service) Act, 1958 provides that every Judge of the Supreme Court shall be entitled without payment of rent to the use of an official residence. Section 23D of the said Act states that the value of rent-free official residence provided to a Judge shall not be included in the computation of his income. The number of Judges of the Supreme Court was increased on 9th May, 1986 and, consequently, official residences could not be provided to some Judges immediately on their appointment. The Supreme Court in a case passed orders to the effect that where an official residence is not provided to a Judge, he may be paid an allowance of Rs. 3000 per month which should be exempt from income-tax.

2. It is proposed in the Bill that the provision for payment of house rent allowance to the Judges of the Supreme Court may be made and it shall be given effect from 9th May, 1986. It is also proposed to make a provision to the effect that the said allowance should be exempt from income-tax.

3. The Bill seeks to achieve the above objects.

NEW DELHI;

The 12th December, 1991.

K. VIJAYA BHASKARA REDDY.

FINANCIAL MEMORANDUM

The Bill seeks to provide for the payment of house rent allowance to a Judge of the Supreme Court at the rate of Rs. 3,000 per month where the Judge does not avail himself of an official residence. Every Judge of the Supreme Court is normally provided with an official residence and the question of payment of house rent allowance does not, therefore, in that situation arise. However, in case a Judge does not avail himself of an official residence, the house rent allowance at the aforesaid rate is being made payable. The annual recurring expenditure will be Rs. 36,000 in respect of payment of house rent allowance to one Judge. It is difficult to anticipate the number of Judges of the Supreme Court who will not be provided with official residence. Therefore, the actual annual expenditure on this account cannot be estimated.

—
K. C. RASTOGI,
Secretary-General